

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2007-356-WS – ORDER NO. 2007-761  
OCTOBER 24, 2007

IN RE: Application of Palmetto State Utility Services, ) ORDER GRANTING  
Inc. for a Certificate of Public Convenience ) CONFIDENTIAL  
and Necessity. ) TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the motion of Palmetto State Utility Services, Inc. (Palmetto Utility or the Company) for protection of certain material filed in this docket. Palmetto Utility requests that its contract with the United States government, which is referenced in, but filed separately from, the Company's Application for a Certificate of Public Convenience and Necessity, be held as proprietary information and be protected from public disclosure.

On September 27, 2007, Palmetto Utility filed with the Commission an application for a Certificate of Public Convenience and Necessity to provide water distribution and wastewater collection services to the United States government in the territory defined by the limits of Fort Jackson near Columbia, South Carolina. As part of its application, Palmetto Utility filed under seal the Company's contract with the United States government for the operations of the water distribution and wastewater collection services to be provided by Palmetto Utility to the United States government. Subsequently, on September 28, 2007, Palmetto Utility filed a Motion for Protective

Order and Confidential Treatment requesting that the terms of that contract be kept confidential. Palmetto Utility asserts in its Motion that the terms of the contract reveal confidential and proprietary information of the Company on how it manages and handles water distribution and wastewater collection services for government entities. Release of this information, according to the Company, would disadvantage Palmetto Utility in future government bids and provide competitors with vital, confidential information, which would provide an advantage to competitors.

The South Carolina Freedom of Information Act (“FOIA”) allows exemption from disclosure proprietary business information that meets a definition of “trade secrets.” S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information contained in Palmetto Utility’s contract with the United States government for which the Company seeks protection as confidential meets the definition of “trade secrets” as defined under FOIA, and therefore, we grant Palmetto Utility’s Motion.

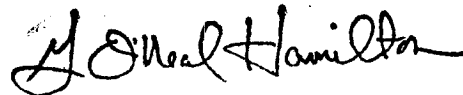
IT IS THEREFORE ORDERED THAT:

1. The Motion of Palmetto State Utility Services, Inc. for protection is granted. Accordingly, the contract between Palmetto State Utility Services, Inc. and the

United States government to Palmetto State Utility Services, Inc.'s Application for a Certificate of Public Convenience and Necessity is granted confidential treatment and shall be maintained under seal and withheld from public disclosure.

2. This Order shall remain in full force and effect until further Order of the Commission.

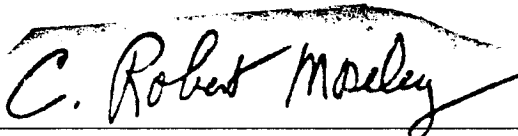
BY ORDER OF THE COMMISSION:



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G. O'Neal Hamilton, Chairman

ATTEST:



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C. Robert Moseley, Vice Chairman

(SEAL)